

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



UNITED STATES OF AMERICA :  
 :  
 v. : 1:17CR 271 -1  
 :  
 BRIAN JAMES POWELL :

The Grand Jury charges:

COUNT ONE

From on or about April 7, 2017, continuing up to and including on or about May 3, 2017, the exact dates to the Grand Jurors unknown, in the County of Durham, in the Middle District of North Carolina, BRIAN JAMES POWELL did knowingly receive any child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been shipped and transported using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce by any means, including by computer; in violation of Title 18, United States Code, Section 2252A(a)(2)(A) and (b)(1).

COUNT TWO

On or about May 11, 2017, in the County of Durham, in the Middle District of North Carolina, BRIAN JAMES POWELL did knowingly possess material which contained child pornography, as defined in Title 18, United

States Code, Section 2256(8)(A), and which had been shipped and transported using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been shipped and transported in and affecting interstate and foreign commerce, including by computer; in violation of Title 18, United States Code, Section 2252A(a)(5)(B) and (b)(2).

#### FORFEITURE ALLEGATION

Upon conviction of one or more of the offenses alleged above, the defendant, BRIAN JAMES POWELL, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253(a)(1) and (a)(3), all visual depictions described in Title 18, United States Code, Sections 2252A or 2252, and any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of Chapter 110 of the United States Code, and all property, real or personal, used or intended to be used to commit or promote the commission of the offense of conviction, including but not limited to the following items that were obtained from defendant on May 11, 2017:

- a. One Toshiba Satellite laptop containing a 1TB Toshiba hard drive, marked evidence item May 11, 2017QCE-8;

- b. One Toshiba Satellite laptop containing a 120GB Seagate hard drive, marked evidence item QCE-7;
- c. One Sony Vaio laptop containing a 620 GB Hitachi hard drive, marked evidence item QCE-9;
- d. One Seagate external 2TB hard drive, marked evidence item QCE-12; and
- e. One Western Digital 160 GB hard drive, marked evidence item QCE-10.

All in accordance with Title 18, United States Code, Section 2253, and Rule 32.2, Federal Rules of Criminal Procedure.

DATED: July 31, 2017

SANDRA J. HAIRSTON  
Acting United States Attorney



BY: ERIC L. IVERSON  
Assistant United States Attorney

A TRUE BILL:

~~FOREPERSON~~